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April 21, 2009

**VIA ELECTRONIC FILING**  
**AND HAND DELIVERY**

Mr. Charles Terreni, Chief Clerk of the Commission  
Public Service Commission of South Carolina  
Synergy Business Park, Saluda Building  
101 Executive Center Drive  
Columbia, South Carolina 29210

**Re: Application of EnTelegent Solutions, Inc.**  
**Docket No. 2009-133-C**

PII  
(803) 779-8900  
FAX  
(803) 252-0724  
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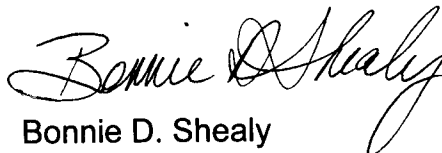
Dear Mr. Terreni:

Enclosed for filing please find the Motion of EnTelegent Solutions, Inc. for Protective Treatment of Supplemental Exhibit C to its Application which is being filed under seal as a Trade Secret. Copies of the Motion with Supplemental Exhibit C are being hand delivered to the Commission and the Office of Regulatory Staff under seal. Please stamp the extra copies of the motion provided as proof of filing and return it with our courier.

If you have any questions, please have someone on your staff contact me.

Very truly yours,

ROBINSON, MCFADDEN & MOORE, P.C.

  
Bonnie D. Shealy

/bds  
Enclosure

cc/enc: Randall Dong, PSC Hearing Examiner (hand delivered)  
Shealy Reibold, ORS Staff Attorney (via email & hand delivered)  
Carey Roesel (via email)  
Sharon Thomas (via email)  
David Gibson (via email)

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
Docket No. 2009-133-C**

APPLICATION OF ENTELEAGENT SOLUTIONS, INC. )  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO PROVIDE FACILITIES BASED )  
LOCAL EXCHANGE AND RESOLD LONG )  
DISTANCE TELECOMMUNICATIONS SERVICES )  
AND FOR FLEXIBLE REGULATION OF ITS LOCAL )  
EXCHANGE SERVICES AND ALTERNATIVE )  
REGULATION OF ITS LONG DISTANCE )  
SERVICE OFFERINGS )

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**MOTION FOR PROTECTIVE TREATMENT AND  
BASIS FOR FILING SUPPLEMENTAL EXHIBIT C AS TRADE SECRET**

**Introduction**

Enteleagent Solutions, Inc. (“EnTeleagent” or “Applicant”), by its attorneys and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and all other applicable rules, statutes and regulations, hereby files this Motion for Protective Treatment (“Motion”) in the above-captioned proceeding. By this Motion, the Applicant seeks protective treatment by the South Carolina Public Service Commission (“Commission”), of certain commercially-sensitive financial statements attached as ***Supplemental Exhibit C***, filed as Trade Secret to the Application of Enteleagent Solutions, Inc. for a Certificate of Public Convenience and Necessity to Provide Facilities Based Local Exchange and Resold Long Distance Telecommunications Services and For Flexible Regulation of its Local Exchange Service and alternative Regulation of its Long Distance Service Offerings (“Application”) filed with the commission on March 24, 2009.

In support of this Motion, the Applicant provides the following:

1. The exact legal name, address and telephone number of the Applicant is:

EnTelegent Solutions, Inc.  
3800 Arco Corporate Drive, Suite 310  
Charlotte, North Carolina 28273  
Telephone: (704) 936-2365  
Facsimile: (866) 295-0471  
Toll Free: (800) 975-7192  
Website: [www.entelegent.com](http://www.entelegent.com)

2. Correspondence or communications regarding this Motion should be addressed to:

Bonnie D. Shealy, Esquire  
Robinson, McFadden & Moore, P.C.  
1901 Main Street, Suite 1200  
P.O. Box 944  
Columbia, SC, 29202  
Tel: 803-779-8900  
Fax: 803-252-0724  
Email: [bshealy@robinsonlaw.com](mailto:bshealy@robinsonlaw.com)

with a copy to:

Carey Roesel  
Consultant  
Technologies Management, Inc.  
2600 Maitland Center Parkway, Suite 300  
Maitland, Florida 32751  
Telephone: 407-740-3006  
Facsimile: 407-740-0613

#### **I. Description of Confidential Information.**

3. The Application requires EnTelegent to disclose evidence of financial fitness through the submission of documentation of its financial resources and ability to provide the requested service. In conformity with this requirement, the Applicant submits copies of its financial statements. These documents contain highly confidential and strictly proprietary information, the public disclosure of which may result in direct, immediate and substantial harm to the competitive position of the Applicant in South Carolina and elsewhere. Since filing the Application EnTelegent has hired a Corporate Controller who revised its financial statements and who moved the company from an accrual basis accounting system to a cash basis accounting

system. The revised financial statements reflect this change and are for the period January through March 31, 2009.

## **II. Grounds for Claim of Confidentiality.**

4. EnTelegent is presently immune from a legal obligation to prepare or submit projected financial statements, or any other financial information, to any public entity. As such, the financial statements attached as *Supplemental Exhibit C* to the Application are not readily available to persons external to EnTelegent.

5. Because the financial statements submitted by EnTelegent in support of the Application contain confidential and commercially-sensitive information from which its competitors may derive economic value, EnTelegent seeks to protect such material from public disclosure. EnTelegent derives independent economic value from the fact that significant, detailed and proprietary information regarding its financial structure and current financing activities is unknown to its competitors. As such, the Company's financial statements are a "trade secret" as that term is used in South Carolina Trade Secrets Act. *S.C. Code Section 39-8-20(5)*. Given this fact, the disclosure of this information could provide existing and potential competitors, including interexchange carriers ("IXCs") in South Carolina, as well as in other states in which EnTelegent provides or intends to provide telecommunications service, with an unfair and undeserved competitive advantage.

6. EnTelegent clarifies herein that its request for protection applies only to the documents attached as *Supplemental Exhibit C* to the Application. EnTelegent is not seeking protection of any type for those reports EnTelegent is required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, and Universal Service Fund Worksheet.

## CONCLUSION

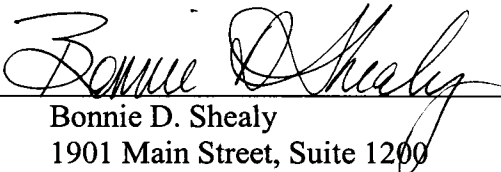
7. The financial information included in support of EnTelegent's Application, for which Confidential Treatment is sought, is both proprietary and competitively-sensitive. The substantial and direct harm that could be caused to EnTelegent as a result of any disclosure is real and not speculative. Moreover, to date, no other jurisdiction or governmental agency has required EnTelegent to make this information available to the public. For all these reasons, the projected financial statements attached as ***Supplemental Exhibit C*** should be protected from public disclosure by the Commission.

WHEREFORE, EnTelegent respectfully requests that the South Carolina Public Service Commission grant this Motion for Protective Treatment with respect to the financial statements attached as ***Supplemental Exhibit C*** to the Application of EnTelegent Solutions, Inc., for a Certificate of Public Convenience and Necessity to Provide Resold Interexchange Telecommunications Services throughout the State of South Carolina and for Alternative Regulation filed *under seal* as Confidential in this proceeding.

Dated this 21<sup>st</sup> day of April, 2009.

Respectfully submitted,

ROBINSON, MCFADDEN & MOORE, P.C.

By   
Bonnie D. Shealy  
1901 Main Street, Suite 1200  
Post Office Box 944  
Columbia, SC 29202  
Telephone: (803) 779-8900  
[bshealy@robinsonlaw.com](mailto:bshealy@robinsonlaw.com)

Attorneys for EnTelegent Solutions, Inc.

**BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2009-133-C**

APPLICATION OF ENTELEGENT SOLUTIONS, INC. )  
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EXCHANGE SERVICES AND ALTERNATIVE )  
REGULATION OF ITS LONG DISTANCE )  
SERVICE OFFERINGS )

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**CERTIFICATE OF SERVICE**

This is to certify that I, Jena Breedlove, a legal assistant with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below the **Motion for Protective Treatment of Supplemental Exhibit C** in the foregoing matter by having a copy of same hand delivered in an envelope to

Shealy Boland Reibold, Staff Attorney  
Office of Regulatory Staff  
1401 Main Street, Suite 900  
Columbia, South Carolina 29201

Dated at Columbia, South Carolina this 21st day of April, 2009.

  
\_\_\_\_\_  
Jena Breedlove